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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/720,277

Applicant(s)

HANNEL ET AL.

Examiner

Thong H Vu

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Amended claims 1-12 and new claim 13 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

3. Claims 8,10 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon (i.e.: the particular entity **may not** perform the given action).

Claims 8,10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 8,10 contain the negative limitation.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure

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should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph.

4. Claims 8,10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: a further condition **may be** associated in the database with the given policy).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as anticipated by Shah et al [Shah, 6,678,835 B1].

5. As per claim 1, Shah discloses A policy enforcement system for enforcing policies defining what actions belonging to a first type thereof first entities (i.e.: a first edge device and a first network) defined in a computer system may perform on second

entities defined (i.e.: a second edge device and a second network) in the computer system [Shah, a first edge device and a first network; a second edge device and a second network; a policy server; col 1 lines 60-col 2 line 32], the policy enforcement system being of the type that includes

a policy server including a policy database of the policies [Shah, a policy server database, col 4 lines 14-32]; and

a policy enforcer that controls performance of the first type of action and is capable of communicating a request to perform an action of the first type to the policy server [Shah, a policy enforcer, col 4 lines 33-43; service type, col 10 lines 23-30; col 18 line s30-58], the policy enforcer permitting performance of the action only if a response from the policy server indicates that the policies permit the action [Shah, access permission, col 4 lines 33-43; col 6 lines 14-32; col 12 lines 37-43] and the policy enforcement system being characterized in that:

the policy database is extensible to include policies for actions belonging to an additional type thereof and the policy enforcement system is thereby extensible to include, an additional policy enforcer which controls performance of actions of the additional type [Shah, extensible fashion, col 6 lines 33-42; additional information of service type, col 10 lines 22-30; col 15 lines 47-54; new entry is added, col 16 lines 24-32; additional field based on the type of service, other types of modifications, col 18 line 65-col 19 line 10].

6. As per claim 2, Shah discloses the policy database is of the class wherein policies are defined in terms of sets of the first entities and sets of the second entities and the policy database is further extensible to include an additional type of the first entities and/or an additional type of the second entities [Shah, extensible fashion, col 6 lines 33-42; additional information of service type, col 10 lines 22-30; additional field based on the type of service, other types of modifications, col 18 line 65-col 19 line 10].

7. As per claim 3, Shah discloses an action attribute may be associated in the database with a set of the first entities and/or a set of the second entities, the action attribute specifying a manner in which an action specified in a given policy is to be performed as regards entities in the set of first entities and/or entities in the set of second entities [Shah, col 10 lines 52-60; col 11 lines 12-24].

8. As per claim 4, Shah discloses the database is further extensible to include an additional type of action attributes [Shah, attributes, col 9 lines 35-40; col 10 line 1 col 11 line 67; col 19 lines 50-67; col 21 line 1-60].

9. As per claim 5, Shah discloses the additional policy enforcer controls performance of actions at a level of the computer system which is different from that at which the policy enforcer controls performance of actions [Shah, a quality of service level, col 17 lines 11-25].

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10. As per claim 6, Shah discloses at least one of the policy enforcers is at a location in the computer system that is remote from the policy server [Shah, a remote VPN client, col 3 lines 50-64].

11. As per claim 7, Shah discloses the policy enforcer controls a second entity that is not part of the computer system [Shah, an external host, external device, col 10 lines 1-14].

12. As per claim 8, Shah discloses A policy database that is implemented in a data storage device that is accessible to a processor and that belongs to the class of policy databases class wherein policies are defined in terms of sets of first entities, sets of second entities, and actions, a given policy defining a given action which an entity belonging to a given set of the first entities may perform on an entity belonging to a given set of the second entities [Shah, a first edge device and a first network; a second edge device and a second network; a policy server; col 1 lines 60-col 2 line 32] and the policy database being characterized in that:

a further condition **may be** associated in the database with the given policy, the action the processor responding to a request to determine whether a particular entity belonging to the set of first entities to which the given policy applies to may perform the given action on a particular entity belonging to the set of second entities to which the given policy applies by determining that the particular entity **may not** perform the given action if the further condition is not satisfied at the time the processor responds to the

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request [Shah, extensible fashion, col 6 lines 33-42; additional information of service type, col 10 lines 22-30; additional field based on the type of service, other types of modifications, col 18 line 65-col 19 line 10].

13. As per claim 9, Shah discloses the further condition is a time interval specification associated with the given policy, the time interval specification specifying an interval of time during which entities belonging to the given set of first entities specified in the given policy may perform the given action specified therein on entities belonging to the given set of second entities specified therein.

14. As per claim 10, Shah discloses A policy database that is implemented in a data storage device that is accessible to a processor and that belongs to the class of policy databases wherein policies are defined in terms of sets of first entities, sets of second entities, and actions, a given policy defining a given action which an entity belonging to a given set of the first entities may perform on an entity belonging to a given set of the second entities [Shah, a first edge device and a first network; a second edge device and a second network; a policy server; col 1 lines 60-col 2 line 32] and the policy database being characterized in that:

an action attribute **may be** associated in the database with the given set of first entities and/or the given set of second entities, the action attribute specifying a manner in which the given action specified in the given policy is to be performed, the processor responding to a request to determine whether a particular entity may



perform an action to which the given policy applies in a particular manner by determining that the requesting entity **may not** perform the action unless the particular manner is the manner specified by the action attribute [Shah, extensible fashion, col 6 lines 33-42; additional information of service type, col 10 lines 22-30; additional field based on the type of service, other types of modifications, col 18 line 65-col 19 line 10].

15. As per claim 11, Shah discloses the database is extensible to include new types of action attributes [Shah, extensible fashion, col 6 lines 33-42; additional information of service type, col 10 lines 22-30; additional field based on the type of service, other types of modifications, col 18 line 65-col 19 line 10].

16. As per claim 12, Shah discloses an action attribute condition may be associated in the database with an action attribute for the given policy, the action attribute condition determining whether a requesting entity belonging to the given set of first entities can perform the given action as specified in the action attribute on an entity in the given set of second entities at the time the requesting entity makes the request [Shah, col 24 line 51- col 26 line 54].

17. As per claim 13, Shah discloses the additional type of action is defined by a user of the policy enforcement system; and the policy enforcement system includes a user interface for extending the policy database by adding the user-defined additional type of

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action thereto [Shah, new user and defining various attributes of the user, col 9 lines 35-40].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2142*

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.